

is being restrictive. Certainly it can be said, and it is said so often that the state should not get involved in the local matters. As the federal government comes swooping down and dictates policy that we should not try and duplicate that type of measures. Let me again remind you Senator Duis and others, that we were elected by people in our districts to uphold the Constitution and to take care of concerns that we think would be unconstitutional. I would say that we would be derelict in our duties, it would be malfeasance of office for us Senator Duis to allow local laws across this state, which there are now in many cities, many counties, in many areas which prohibit employees, public employees from participating in elections. That clearly is unconstitutional and is done so based on the cases that I referred to you the other day. So, I would suggest if you want to do what you were sent down here to do, which I intend to do and that is to uphold the Constitution, I think that the evidence is firmly on this side, that we support the Newell amendment which we have and therefore I would urge you not to bring this bill back.

PRESIDENT: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body. The issue ought to be clear by now, but I would like to address myself to something that Senator Duis said. Senator Duis indicated that cities and towns and counties are not subdivisions or creatures of the state. They are fine, local government bodies. Well, no matter how you cut it, I don't disagree that they are fine local governmental bodies but they are also creatures of the state. I would like to read for the edification of this body and specifically Senator Duis who asked me so diligently to pay attention while he was talking to listen to the states definition of a political subdivision. The states definition according to statute is, the term political subdivisions includes; counties, townships, cities, villages, districts, authorities and other public corporations and entities whether organized and existing under direct provisions of the Constitution of Nebraska, or by the virtue of charters or corporate articles or instruments executed under the authority of the Constitution or the laws of the State of Nebraska. That is a political subdivision. Those are quite clearly the definition of creatures of the state, Senator Duis. Now, I know and I'll agree with you that they are fine local governmental bodies. But, we can not allow, in Nebraska, fine governmental local bodies to take away constitutional rights that all citizens have due to the first ten amendments to the United States Constitution and to the Bill of Rights under the Nebraska Constitution. We can not allow these local subdivisions to do that. We can't do it in the name of local control, we can't do it in the name of anything. The only thing that we can do is say what the courts say every day in upholding public employee's rights to do certain things, that do not abuse their political office, that is to have those rights to participate if they wish, and that is what my amendment does very clearly very distinctly. It...this bill ought not be brought back to strike that amendment in the name of local government self control. Because self control does not mean that you can violate the Constitution. Every once in awhile we want to violate the law, but I don't think we ought to violate the Constitution and that is exactly what this thing provides. Those